
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TRACY RENEA JORDAN, #23000-078

versus

UNITED STATES OF AMERICA

§
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§
§
§CIVIL ACTION NO. 4:17-CV-797
CRIMINAL ACTION NO. 4:14-CR-180(02)**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 should be denied. Movant has filed objections.

Movant is in custody pursuant to a conviction for the offense of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846. On November 15, 2016, after a plea of guilty, she was sentenced to 262 months of imprisonment as a career offender. In the present motion, she is complaining about her sentence. She alleges that her attorney was ineffective in representing her in negotiating a plea agreement with respect to her sentence. Movant states in her objections that she did not understand the ramifications of the career offender enhancement. Nonetheless, she was placed on notice in Paragraph 5 of the Plea Agreement about the possibility of being classified as a career offender. She knowingly and voluntarily pled guilty after receiving notice about the possibility of being classified as a career offender, and she was properly classified as a career offender in light of her extensive criminal history. Movant's sentence is appropriate in light of her extensive criminal history. Movant has not shown that her attorney's representation was deficient in this matter or that she was prejudiced by deficient representation, as required by *Strickland v. Washington*, 466 U.S. 688, 687 (1984).

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit.

It is accordingly **ORDERED** that the Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

Signed this date

May 16, 2019

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE